G. R. S. IX-5]

Previous references.

282-17

Later references.

Mcy. 314-23-1-2

1917.

( )

File No. 25

Serial Nos.

~~19~~

1—2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for

SUBJECT.

W D 1250—GPB—30,000—28-1-18

91 G. 129

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No. 25

FILE HEADING.

From

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

[illegible]

First [illegible] [illegible]

petition to the Darwan- Durwan's [illegible]

petition :- "All the [illegible]

to the Govt Advocate [illegible]

Dy 8-7-1919

WD 1232—GPB—20,000—18 11 16

Ge a an ue
Secreta

Mug File No. 25 of 191 8

Serial No. 1

The case put up for consideration at an early date.

"Note - No legal opinion has been produced at any suggestion"

- Mug. D. nos. 155-92, 160-1904, 282-12, and 433-14 on the subject are put up.

3 On a petition from the late Agent complaining of the alienation of some inam lands endowed to Brahmans, it was observed in G.O. no. 532 dt 17-5-1906, that enjoyment by private persons of Devadaya inam lands in consideration of the debts due to them, was clearly unauthorized and the Dy. Commr was directed to take action under the alienation Rules of 1877.

On Review-petitions by the alienee Mr C. Srinivasa Rao, the order of 17-5-06 was cancelled and withdrawn in G.O. no. dt 9-6-1916.

He thereupon presented another Revision-petition claiming a compensation of Rs 15,000/ on the ground of losses said to have been sustained by him during the period of stay of the adverse order &c.

NOTE—Contn sheet

R. S. III-2.

General and Revenue Secretariat. | Mus. File No. 25 of 191 9

Serial No.

Govt. no. 2119 dt 26-2-18) X

(vide from 14-5-06 to 9-6-1916), but was informed that Govt. are unable to entertain any claim for damages unless evidence is produced of dispossession as due to any order of Govt., and that redress should be sought in the civil court if the Matt servants acted in any manner prejudicial to his interests.

6 He has again petitioned, now claiming a compensation of Rs 16,000, on the strength of the legal opinion of two ~~[illegible]~~ High Court Vakils of Madras. He alleges that the Matt authorities did not deprive him of the Lands, but the Govt rendered him helpless and deprived him possession and as such his claim is only against the Govt. He has not produced any evidence whatever in support of his latter allegation as already directed by Govt.

W. D.

7 Attention is respectfully invited to para 8 of his former Remission petition of Feby 1918 which led to the endorsement of 26-2-18 ref. to wherein he plainly admits ~~[illegible]~~

X

G. R. S. III-2.

General and Revenue Secretariat.

Mar File No. 25 of 191 9.

Serial No

that his serious losses are the result of undue trouble and annoyance by the Math Agent. A kind perusal of the petitions of A, B Mr S Rao Dt 20-6-06 and 6-8-1906, and para 4 of the Dy Comm's letter of 17-9-1906 recommending a re consideration of G.O. Dt 17-5-1906 on the ground that "hardship might result in taking action under cl. 6 Rule II of notification of 1903", is solicited.

If decided, the record of the case will be called for from the Dy. Comm.

Submitted

MM 16/7/19 SL 16/7/19

Forwarded with Compliments to the Govt. Advocate for favour of opinion on the merits of the claim. The facts of the case are given at length in the note and discussion of the accompanying files

Dt. 7. 19

Mysore Secretary

NOTE—Contn sheet

Serial No

5139

Ql. No. 17/16/19-20

16 Mr. Srinivasa Rao's present claim as put forward in his petition dated the 8th July 1919 addressed to the Offg. Dewan is based on the allegation that in pursuance of Government Order No. 5327-8 dated the 15th May 1906, he was deprived of the possession of the lands in question in 1906 and that these lands were restored to him after the Government Order of 1916 and that he was thus out of possession for about 10 years. He states that he has no claim against the Mutt itself and that his claim is only against Government.

As the claim turns entirely on the question of dispossession and as the opinions of the learned counsel produced by him are also based almost entirely on this very ground -- I shall discuss this question first.

The G. O. of 1906 no doubt directed the Deputy Commissioner of Kadur to take action under clause (b) Rule 11 of Government Notification No. 266 dated the 17th November 1877. But no such action was evidently taken as is clear from the terms of the letter of the Deputy Commissioner, dated the 17th September 1906 wherein he states that by taking such action harassment would result and requests Government to reconsider the order. It is also clear that Mr. C. Srinivasa Rao went on

petitioning Government on this subject from about the middle of June 1906 praying for reconsideration of the order. These petitions submitted by him - do not refer to the order having been enforced and I do not believe he would have failed to refer to - the fact of dispossession if, in fact, he had been so dispossessed.

Even subsequent to 1906, it is not likely - that any attempt would have been made by the Revenue authorities to disturb Mr. Srinivasa Rao's possession in view of the fact that Mr. Srinivasa Rao's petitions supported strongly by the head of the - District, were then pending disposal and in the - event of any such attempt Mr. Srinivasa Rao would surely have complained to the authorities and asked for stay of execution of the order.

The notes dated 4/3/1915 recorded by the then Councillor Mr. H. V. Najundayya on page 17 of the File 282 of 1912 show that during the irquiry before him Mr. Srinivasa Rao complained that he was asked not to cultivate the lands and that he admitted that he had no written orders on the point. This admission negatives the allegation now made - that he was dispossessed.

This view is further strengthened by the fact that Mr. Srinivasa Rao in his petition addressed to Mr. A. R. Banerji, (on or about the 2nd Feb. 1918)

while

while referring to the circumstances that the Taluk Amildar directed him to give back the -- lands, does not say that he gave up, or was - obligedto give up possession. On the other - hand his complaint is that during the period of of ten years he "could not raise loans for the up-keep and improvement of the Estate", that the utt Agent who was his neighbour, gave - much trouble and annoyance to his servants by trespassing often on the lands and thus prevented him from making any use of the lands. - These statements clearly show that his failure to improve the lands, if any, was due to the interference of the utt Agent, a case entirely different from the one he has put forward now, and quite incosistent with what was stated by him before the Councillor in 1915.

Transfers of possession, through the intervention of the Revenue authorities are always evidenced by receipts and such other documents. In the present instance, the alleged dispossession is not supported by any receipt or other document. Mr. Srinivasa Rao's statement that the lands were restored to him - after the G. O. of 1916 is also not borne out by any evidence.

It is, therefore, evident that there has been

been no break in the continuity of Mr. Srinivasa Rao's enjoyment ofthe land in question.

17 Now coming to the opinions secured by Mr. Srinivasa Rao in support of his claim, they are based, as has already been stated above, on the assumption that Mr. Srinivasa Rao was not in possession during the period in question, Dewan Bahadur Mr. L. A. Govindaraghavier says, "The lands which originally were in the possession of Mr. Srinivasa Rao and which he had to give up as above stated, were amongst the properties which were thus put into the possession of the present Head of the Mutt". The learned Vakil considers this statement to be true partly for the reason that Mr. Srinivasa Rao was not paying either the quit-rent due to Government or the Rs. 25/- due to the Mutt provided in the Deed of Settlement, and partly for the reason that one Siddaveerappaya is alleged to have made a statement before the Amildar of Chikmagalur on the 26th June 1919, to the effect that he was managing the Mutt lands from 1907-08 to 19/12/18 and that the Rs. 25 payable by Mr. Srinivasa Rao for the Mutt lands was not received as the lands had passed from him to the possession of the Mutt. This allegation has, of course, to be verified.

NOTE—Contn. sheet.

Assuming

Assuming the first reason referred to by Mr. Govindaraghavier to be true, it does not - follow from it that Mr. Srinivasa Rao had lost possession. It is just possible that because no final orders had been passed on Mr. Srinivasa Rao's petition for reconsideration of the G.O., supported as it was by the Deputy Commissioner, the Revenue authorities did not want to enforce payment till the final settlement of the quest--tion. The Mutt also possibly assumed a simi--lar attitude. The claim of Government to - quit-rent is still subsisting and can be en- forced at any time. The same observation applies in respect of the amounts due to it, to the Mutt, subject of course, to the law of Limitation.

Coming to the 2nd reason about the alleged statement of Siddaveeraiya, under the circum- stances, it is not of any value, even if true. In the first place we do not know anything - about his credentials with respect to his -- authority to represent the Mutt. In the 2nd place Mr. Srinivasa Rao has in unmistakable - terms stated that he has no claim against the Mutt and this so-called agent is quite at -- liberty to make any admissions in favour of - Mr. Srinivasa Rao, as there is no danger of - such admissions affecting the Mutt prejudicial

-ly. There is then the fact that the Mutt - did not make any payment of quit-rent during - the period (This has to be verified). The Agent has not produced any accounts in support of his statement. More than all this, there is the fact that this belated statement is in conflict with the previous statements of Mr. Srinivasa Rao himself. It cannot, therefore, be said that the statement of Siddaveerayya is either true or bona-fide.

Towards the closing part of the opinion Mr. Govindaraghava Iyer concedes that Mr. Srinivasa Rao "could not have sued the Government for the vindication of his rights" and winds it up by an appeal to Government for redress.

Mr. K. Srinivasa Iyengar bases his - opinion similarly on the assumption that "the "Deputy Commissioner acting under the author- "-ity of Government actually took possession "or obtained possession of the lands and pre- sumably delivered them over to the Mutt * " * * * * * and "finally in 1916, the Government rescinded - "their former order and restored possession o "the lands to Mr. Srinivasa Rao". He comes to the conclusion, therefore, that as Mr. - Srinivasa Rao had to "surrender possession in

consequence

"consequence of the compulsion of the Govern-
"ment officers * * * * he
"would have an action for the recovery of the
"land and mesne profits". Mr. Srinivasa -
Iyengar also concedes that no action lies -- -
~~lies~~ against the Government and he admits that
Mr. Srinivasa Rao could have sued the Mutt, if
they had been in possession.

It will thus be seen that the opinions are based on incorrect data furnished to the - learned Vakils and in any case they do not - disclose that Mr. Srinivasa Rao has any right to sue the Government for redress.

Even assuming that Mr. Srinivasa Rao was dispossessed -- the party that must have been in possession is the Mutt and action, if any, would lie against the party in actual possession and enjoyment of the profits, and the plea of possession under an illegal order of Govern-ment cannot be a valid defence to such an action. It cannot be said that Government were at any time in possession.

It is apparent that Mr. Srinivasa Rao - knew that it would be impossible for him to prove that the Mutt was in possession and - finding that his allegations urged before the Councillor in 1915, and in his previous peti-

NOTE—Contn. sheet.

-tion

T. R. S. III-2]

General and Revenue Secretariat. | Misc. File No. 28 of 1919

Serial No. 8

petition of 1918 would not give him any cause of action against Government, he seems to have adopted a new line of action, alleging dispossession in 1906 and restoration of possession in 1918 or so.

The records show that after the R. O. of 1916, when Mr. Srinivasa Rao presented a revision petition claiming damages to the extent of Rs. 15,000/- he was given an endorsement on 26/2/1918 to the effect that unless he produced evidence of dispossession as due to any orders of Government, no claim would be entertained and that if the Kutt servants had acted in any manner prejudicial to his interests, redress should be sought in the Civil Court.

There is so far no clear evidence of dispossession and this position is, as has already been stated above, one that is inconsistent with Mr. Srinivasa Rao's previous statements.

I am, therefore, of opinion that Mr. Srinivasa Rao's claim is not legally sustainable.

Government Advocate.

16 th August 1919.

Submitted for perusal, inter reg to the Dewan's order of 8-7-19. The matter has now to be considered in Council.

19.10.19

(2nd member)

20.10.19

NOTE—Contn. sheet.

III-2]

General and Revenue Secretariat.

File No. 25 of 1919

Serial No.

1 As Bowers is in learned first advocate, the whole case rests on this question of fact — whether Sir Somasekhara was dispossessed of the land by first ~~taking of the property~~ in accordance with law of 1906 and was kept out of possession till he was restored in 1916.

The petitions and by the first advocate Sir Somasekhara's presentations in this respect are not borne out by record. & are negatived by his own previous statements contained in para 8 of his appl dated 18th first

1 Before the case is placed before the Council, an order of the 8th December 1919 I should like to hear Sir Somasekhara in person & find out what ~~he has to say~~ explanation he has to offer for the discrepancy between his present statements & those made by him on previous occasions.

2 A notice may be sent to Sir Somasekhara informing him that I shall be glad to hear him in person with regard to his petition & asking him to come prepared in this respect on 8/1/20 or find for 14th Nov

1208
21/11/19

21/11/19

28/11/19

NOTE—Contn. sheet

was
were in possession
but the lands were
being reflected,
probably because
an amount of
uncertainty of
~~[illegible]~~ title
You did not
care to spend
money on its
improvement

S. Why did we
C. S. put
in hands in
a report relating
to the case

M. He put in
irrelevant matter.

S. I am prepared
to state on
oath that I did
not enter upon
the land

14 November 1912

Mr P. Sreenivasa Rao

Any report, application
or petition by you
that you have
relinquished
possession

Mr A. Subrahmanya Ayyar's
memo number
16 November 1912
that [illegible]
jointly [illegible]
[illegible] made
over to the [illegible]
of the [illegible] in
[illegible] of

M. [illegible] [illegible] to [illegible]

M. Have you
[illegible] said that
you were
in possession

Mr Sreenivasa says

111 acres

11 acres are
in my possession
The defendant
is claiming the
remaining 100
acres.

Mr. Says
& relinquishes
the 11 acres
in my possession

Mr. You claim
compensation
only for 100
acres, not
for 111 acres.

Mr. The problem
is, you & I
has not been
clarified.
Now you said
you were in
possession
now you
say you

Mine

You did
not mention
in your & the
fact that you
were in
possession.

S. I did not
make an admission
before my lawyers
that I had not
been deprived
of possession

Mr. Have you
ever said anywhere
that you were
deprived of
possession
If so, please
show it to
I shall consider
it

Can any
curse of action?

S Amulius
asked me
to come up to
a legal subject,
I came up.
Now he
owes me for Kandyan
bill now.
I have not
paid it
though I do not
remember having stated
in my plea that I
had been deprived
the record maybe
sent to our pleader
and perused
when then I have made
such a statement
Finally I beg that
I may show me
cause

Yours etc

Ltd

Counsel for
Appellant

And I have
suffered great
loss.

Member

You have no
evidence whatever
to show.
You did not
care to send
any
one Pleader to
watch case for you
have for your
case in
absence

S. It I have
made a mistake,
for my part
it and grant
me relief
on right grounds.
I have
done for
legal opinion

F. S. III-21

General and Revenue Secretariat.

Serial No.

File No. 25 of 191 9.

1. Enclosure with a copy of notice

1777
25.10.19 Bw 20 10/11

Received
2/28/10/19

14 November 1919

Mr. G. Thompson's Race
Copyright. He has been
released by the Head Quarters
Police Department
21/11/1919

1718
15/11/19

No. 2 Costa sheet

G. R. S. III-2]

General and Revenue Secretariat.

File No. of 191

Serial No

DEFENCE OFFICE.
NOV 1919
3389

C.S. Circulate.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 25 of 191-.

Serial No.

[illegible] as in his petition to the A. R. Manager has been last night and the inquiry has turned into a different channel altogether viz whether Mr. C. Srinivasa Rao was actually dispossessed of his land. (1) As regards his removal question there is no doubt that he was dispossessed naturally until the enquiry and proceedings in execution are finished. As when the case is finished we can dispose proceedings in execution, if not likely that any more [illegible] Estate or for the Manager that any trouble will ground arising upon its improvement or upkeep. Added to it, there was, as Mr. Srinivasa Rao says, constant interference in the part of servants of the Mutt with the peaceful enjoyment of property. Now and then Mr. Srinivasa Rao has adduced no evidence upon his point

NOTE—Contn. sheet

WD A 1799- GPB—60 000—0 '1 -S.

Serial No.

on account of his deficient kurta his case was taken, but it may be easily believed that his allegation is not incorrect since his Hall people at those instance his work was issued would not have kept quiet when once an order for Eyectment was passed. Nothing so, his guess was arose when his work stood or stood not amount a compensation which for his wrongful ~~was~~ were ~~detained~~ his due there. It seems due that his work should be ~~in~~ equity & good conscience to compensate him for his wrong done therein - As his fault & ~~subsistential~~ subsequence with his ~~respects~~ enjoyment is denied, his dues may be called upon his part.

As regards his fault & his possession, no doubt. In such case as those statements had taken the deficient kurta, but his fault that after his order of 1908 with his quiet enjoyment was his rent due Wife/work due Wife Hall was recovered from him in a part with his favour

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

File No. 25 of 1919.

Serial No.

[illegible] also the statement of the Matlyene Mail in pursuance of the provisions of 1908, the possession of the land was taken away by the Mail. The statement recommended was duly sent to Chandernagore but the provisions called for from Chandernagore, the statement of the complainant to speak upon the point cannot be easily ignored. When the evidence is conflicting it is the duty of the Court to make up its mind for itself as a subject when it has been duly proved but to weigh the same and to arrive at the conclusion [illegible]

[illegible]

2/12/19

I have gone [illegible]

[illegible]

NOTE—Contn. sheet

WD A 1789 GPB -60 000 - 20 3 19—S.

General and Revenue Secretariat.

File No. 25 of 191 9.

Serial No.	

NOTE—Contn. sheet.

Meeting)
Disposal by Circulation.)

No. C. 284
..... 19..20

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Petition from Mr. C. Srinivasa Rao praying for conpensation in connection with certain Bisagni Matt lands.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram
Chief Secretary to Government.

...26th....November. 1919.

Extraordinary Member of Council.

3626-74 / 11.12.19 **First Member of Council.**

2631 / 26-11-19 **Second Member of Council.** 2/12/19

Third Member of Council. Seen.

Extract from the Proceedings of the 515th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 18th 19th December 1919. 114

8. Subject. - Clause xvi of the schedule.

Petition from Mr. C. Srinivasa Rao, praying for compensation in connection with certain Bisagni Patt lands.

Opinion of the Council.

The claim for compensation may be rejected, as no case for such compensation has been made out. But as an act of grace Government may waive the demand for the land-revenue, if any, due to Government on account of the land in question for the period 1906 to 1916, both years inclusive.

(Signed) M. Kantaraj Urs,
Dewan of Mysore.

"EXTRACT"

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-16

C.284

G. 1-2,

General and Revenue Secretariat.

File No. 25 of 1919.

Serial No

Submitted with the extract from the Proceedings of the Council (3rd number)

22928
22/12/19

The Final note by the Third member is placed in the file.

23.12.19

(Dewan)

DEWAN'S OFFICE.
Recd. on DEC 31 1919
Reg. No. 4420.

NOTE—Cells sheet

Final Note by the Third Member of Council.

Subject:—

PETITION FROM MR. C. SRINIVASA RAO PRAYING FOR COMPENSATION IN CONNECTION WITH CERTAIN BISAGNI MATT LANDS.

These papers relate to the claim put forward by Mr. C. Srinivasa Rao, Coffee Planter, Chickmagalur, for compensation on account of the alleged dispossession by Government of certain lands leased to him by the Bisagni Mutt.

2 *The facts of the case are as follows:-*

On the 6th December 1887, Chennaveeraswami, the priest of the Bisagni Mutt, executed a registered document in favour of Mr. C. Srinivasa Rao, permanently leasing out to him about 100 acres of the Mutt's coffee lands (which formed part of the lands granted as Inam to the Mutt) on the condition that the lessee should pay annually to Government one-fourth of the survey assessment thereon, as also a sum of Rs. 25 to the Mutt for Deeparadhane and other services, the Swami waiving the Mutt's claim to the balance of the assessment in consideration of the lessee having relinquished his claim to a debt of about Rs. 30,000 due to him by the Mutt. The transaction having come to the notice of the Government, they held that it amounted to an alienation of the inam, within the meaning of the terms of the Government Notification No. 260 dated the 17th November 1877, and accordingly directed, in their order, dated 17th May 1906 that the said alienation should be treated and dealt with under clause (b) Rule II of the said Notification. On the receipt of this order, the local officers having issued a notice to Mr. Srinivasa Rao calling on him to relinquish the land, he presented an application to the Deputy Commissioner protesting against the [illegible]

issued to him and praying for a reconsideration of the Government Order. The Deputy Commissioner (Mr. Chengiah Chetty) being of opinion that Mr. Srinivasa Rao's representation was reasonable, submitted his petition to Government with his letter dated the 17th September 1906 recommending a reconsideration of the case. On this the Government called for some further particulars and after an interval of about 10 years, due chiefly to the delay in the receipt of the information called for from the District, they passed orders on the 9th June 1916 cancelling their previous order of 17th May 1906.

3 More than 1½ years after the issue of this order, Mr. Srinivasa Rao presented a petition to Government in February 1918 stating that during the interval of 10 years between the original Government order of 1906 which was adverse to him and the subsequent order of 1916 in his favour, he could not raise loans for the upkeep and improvement of the estate, that during this period, the Mutt Agent gave him a good deal of annoyance in the possession and enjoyment of the land, that in consequence, the estate had deteriorated and required about Rs. 6,000 to be restored to its original condition and praying that, in the circumstances, the Government might be pleased to suitably compensate him for his loss. In reply to this petition Mr. Srinivasa Rao was informed that unless he produced evidence to prove that he was actually dispossessed of the land as the result of any order of Government, his claim for compensation could not be entertained by Government. He thereupon presented another petition before the Offg. Dewan, Mr. A.R.Banerji, on the 8th July last in which, while reiterating his claim, he shifted his ground and asked for a compensation of Rs. 15,000 on the ground of having been dispossessed of the estate under the Government Order of 1906 and thereby put to loss to the above extent; and, in support of his claim, he produced, at the suggestion of the Offg. Dewan, the opinions of 2 emminent lawyers (Messrs. K.Srinivasiengar and L. Govindaraghava Aiyar) of Madras. The papers were thereupon forwarded to the Government Advocate for opinion, under the direction of the Dewan. The Government Advocate has, in his note dated

R. J. 16th August 1919 exhaustively discussed the case and expressed it as his opinion that Mr. Srinivasa Rao's claim for compensation is not legally sustainable.

4 Mr. Srinivasa Rao has, as I have observed above, based his present claim for compensation on the ground of his having been ejected from the estate according to the Government Order of 1906 and kept out of possession of it until the order was revised by Government in 1916. But, as I have explained in my note dated the 16th November 1919 in the file, his allegation in this respect is not borne out by the record and is evidently not true. The real fact seems to be that Mr. Srinivasa Rao whose title to the land was rendered insecure by the Government order of 17th May 1906 was uncertain as to the result of his application to Government for a re-consideration of that order and did not care to take the risk of spending any money on the working and improvement of the estate till that order was revised in 1916; and in consequence, the property got neglected and deteriorated in value. But as this would not give him a valid claim for compensation from Government, he has shifted his position and now come forward with quite a different version from that contained in his application of February 1918 in support of his claim.

5 The matter was considered in Council on the 18th December 1919 and the Council are of opinion that the claim of Mr. Srinivasa Rao for compensation may be rejected as no case has been made out for it; but that, in view of the long delay of 10 years in the disposal of his application for a re-consideration of the order of 1906, the demand for the land revenue, if any, payable to Government on account of the land in question for the period from 1906 - 1916 both years inclusive, may be waived as an act of grace.

-ar 20 Office Note

6 The opinion of the Council may be graciously approved.

MEMBER OF COUNCIL.

23/12/19

Submitted to His Highness.

***

I submit herewith a Final Note by the Third Member of Council on the subject of the claim put forward by Mr. C. Srinivasa Rao, Coffee Planter, Chickmagalur, for compensation on account of the alleged dispossession by Government of certain lands leased to him by the Bisagni Mutt, for His Highness' gracious approval.

P. Rajagopalachar

27.12.19

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Petition of Mr. C.Srinivasa Rao, Coffee Planter, Chikmagalur, praying for compensation on account of the alleged dispossession by Government of certain lands leased to him by the Bisagni Mutt.

No 725.

Order.

KRW
5/1/20

G. R. S. III-2]

C-284

General and Revenue Secretariat. | Drug File No. of 191 .

Serial No.

(*)

31 All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33 The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders

Circulated to the Members of Council for perusal of (*)

His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure).

C S Balasundaramayyar
Chief Secretary to Govt. 6/1/20

Through the Secretary to Government,

..... Drug .....Department. 6/1/20

4303-123
7-1-20.

FIRST MEMBER OF COUNCIL 8/1/20
11.1.20

SECOND MEMBER OF COUNCIL
13/1

3292
12.1.20

2576
13/1/20

~~TEMP~~ORARY MEMBER OF COUNCIL.

Drugs are dealt with by us for opinion
pur on ... Sec'd
P 13/1/20

NOTE.—Contn. sheet

WD 1573—GPB—500—1 3 19

G. R. S. III-2]

General and Revenue Secretariat. | File No. 25 of 191 9

Serial No.

Submits with a D/F. 80.
M 16.1.20
RL 16/1/20

Lib to see.
AMT
21-1-20.

Revised draft laid
AMT
24/1/20

Rosen)
Finl Member) VJ 24/1/20

28/1
26/1/20

JC
26/1/20

Secy VJ 27/1/20
AMT 27/1

A copy of the Resn has perhaps
to be sent to the Comptroller also. and a
draft Resn put up to-day

RL
3/2/20

AU)

D/F. sent to Labour -
(G.O. has been issued)
M 9.2.20
80 9.2.20 Today) AMT 17.2.20

NOTE—Contn. sheet.

. S. III-2]

General and Revenue Secretariat.

File No. P 5 of 1918.

Serial No.	
	Issue Uf 24/2/21 Attd 21.2
2.	To, Sy Commr Kadur Distt No. 2267 dt. 29/1/1920 Rejects his claim for Compensation but waives, as an act of grace, the demand for Land Revenue from 1906–1916 in view of the long delay of 6 yrs in the disposal of the Case No. 2268 Endorsement to V.C. Gunnasakar

NOTE—Contn sheet

Third Member's Note on Mr. C. Srinivasa Rao's case.

.....

On 6th December 1887, Chennaveeraswami, the priest of the Bisagni Mutt executed a registered document in favour of Mr. C. Srinivasa Rao, coffee planter, permanently leasing out to him about 100 acres of the Mutt's coffee lands (which were part of the lands granted as inam to the Mutt on the conditions that the lessee should pay Government annually one-fourth of the survey assessment thereon plus a sum of Rs.25 to the Mutt for deeparadhane etc., services and that the priest should waive the Mutt's claim to the balance of the assessment in consideration of the lessee having relinquished his claim to a debt of about Rs. 30,000 due by the Mutt to him. Government were of opinion that this transaction amounted to an alienation within the meaning of the terms of Government notification No.266 dated the 17th November 1877 and directed, in their order dated 17th May 1906, that the said alienation be treated under clause (b) Rule II of this notification (Vide order dated 17th May 1906).

2 *On applications presented by Mr. C. Srinivasa Rao for a re-consideration of this order, Government passed an order on 9th June 1916 that they did not consider that the inam rules of 1877 were properly applicable to the case and they directed that the order dated 17th May 1906 under which Mr. Srinivasa Rao had been called upon to give up the lands or pay full assessment, be cancelled.*

3 *Mr. Srinivasa Rao urges that he was deprived by Govt. of the possession of the lands in question under their orders of 1906 and was kept out of the enjoyment thereof till 9.6.1916 when they cancelled their first order and that consequently, Government are liable to make good the damages sustained by him during these ten years, which*

he est es at Rs.16,000.

4 The ground on which the claim for compensation is based being that Mr.Srinivasa Rao was dispossessed of the lands by Government, the first point for determination is, whether the alleged dispossession is true. Beyond certain notices issued by the Amildar to Mr.Srinivasa Rao that he should give up possession of the lands in question in accordance with the Govt: Order of May 1906, there is absolutely nothing in the records to show that Mr.Srinivasa Rao was ever actually deprived of possession in pursuance of the Government order. If he had been dispossessed, he would not have failed to make mention of this important circumstance in the petitions that he presented for a re-consideration of this order. I asked him if in any of the petitions given by him he had stated that he had been dispossessed; his reply was that he had no recollection of having made such a statement. On 4th March 1915, Mr.H.V.Nanjundayya, Member of Council heard Mr.Srinivasa Rao and made the following note:-

> "The lands have not yet been taken into possession by Government, but Mr.Srinivasa Rao says that he was told not to cultivate the lands but has no written orders on the point".

On the same day, Mr.Srinivasa Rao contended before Mr. Nanjundayya that either the assessment of 4 annas granted by the Matha by a registered deed should be recognized or that if the lands are taken away, he should be given compensation for losing the consideration paid for it. (Vide para 58 of the notes in File 282 of 1912). The words underlined above, clearly show that he could not have been dispossessed of the lands till 4th March 1915 and that he was merely expecting that the lands might be taken away. There can hardly be any room for doubt on the point; for, even in the petition presented by Mr. Srinivasa Rao to Mr.A.R.Banerji so recently as 2nd Feb.

1918, he has stated as follows: (Vide para 8 of the petition)

> "During the period of 10 years of the adverse order I could not raise loans for the upkeep and improvement of the estate. During this period the Mutt agent, who is my neighbour gave much trouble and annoyance to my servants by trespassing often on the lands and by preventing me from improving them. Owing to this circumstance, I was not able to make any use of these lands and consequently sustained serious loss".

This clearly amounts to an admission that he had all along been in possession of the land though it is said that he derived no benefit from them in consequnce of the troubles given by the Mutt Agent.

5 Mr. Srinivasa Rao has produced the opinions of Messrs K. Srinivasiengar and L.A. Govindaraghava Aiyar, High Court Vakils, Madras, in support of his claim. But they proceed ~~proved~~ upon the assumption that Mr. Srinivasa Rao was not in possession of the lands from 1906 to 1916 which, as pointed above, is incorrect.

6 He also relies upon a report made by Mr. A. Subramanya Iyer, Dy. Commissioner, to Government that the management of the Mutt and its endowments had been made over to the priest but this has obviously no reference to the lands in question. The report relates to the delivery of the management of the Mutt to the priest on his attaining majority.

7 There is ~~absolutely~~ /hery no foundation for the allegation that Mr. Srinivasa Rao was dispossessed of the lands by Government and his claim made against them for compensation on this ground is consequently not sustainable.

8 The real fact seems to be that Mr. Srinivasa Rao having lost his title to the land under the G.O. dated 17th May 1906 and being uncertain as to the result of his applica-

32

applicable to Government for a re-consideration of the order, hesitated to take the risk of spending his money on the working andimprovement of the lands with the result that the estate got neglected and deteriorated in value. Apprehending that this circumstance might not give him a valid claim for compensation, as it was his duty to take proper care of the lands so long as he was in possession of them and was enjoying the produce thereof, he seems to have shifted his position and based his present claim on the ground of having been kept out of possession of the lands.

JC/4
16/11/-1

Claim for Compensation

DEWAN'S OFFICE
Date of Receipt 8-7-19
Registered No 14

To

Albion Rajkumar Banerji, Esq., M.A., I.C.S., C.I.E.,
DIARY No. 64
Dewan of Mysore, Bangalore.
14 Cc
14 L
25—19

Sir,

Adverting to Government Order No. 2119/ M.S. 427-17-2 dated 26th February 1916, I respectfully beg to state that I have consulted the eminent Counsels of the Mysore High Court regarding my claim for compensation which arose by the unlawful depriving me of the enjoyment of my lands leased to me permanently by the Bisalwar Mutt. I have enclosed copies of their opinion for perusal by the Government.

I invite the attention of the Government to their Proceedings No. 2627-8 dated 15th September 1906 and 2875/ M.S. 382-12-11 dated 5th October 1906 regarding the history of my unfortunate case. On the standpoint of the Government I was communicated to ~~by~~ through the Amildar of Tirthahalli Taluk vide his No. 1177 dated 5th June 1906 I as one of the most loyal and law abiding subjects of His Highness the Maharaja, implicitly obeyed that order by taking lands in respect of which the late Pontiff and guardian of his minor son and the Sheristadar of the Mutt had fraudulently and maliciously petitioned to the Government though he was aware that I was the permanent tenant of those lands by virtue of a grant by Channaveerendra for valuable consideration. I am grateful to the Government for their final order withdrawing their previous Proceedings No. 2627-8 dated 15th September 1906 by which I was compelled to accept the lands as a permanent tenant of the Mutt as I was to do prior to 1906. The Mutt authorities on the other hand on the strength of the lands for which they obtained possession from me in the courts of law and I have no claim whatever for any compensation as it was not due to their fault that I was deprived of my lands. The Government passed orders on my petition

Note
The legal opinion has been received along with the letter
Ref
Papers sent to Legal Adviser for opinion
9/7/19.

petition presented by Puttusamy and I regret to represent that that Order was passed without a full consideration of the facts of the case then, But for the interference of the Government and their Order in Muzrai Department against which there is no appeal to any Court of Justice I am sure no one could have deprived me of possession unless they had a decree in their favour entitling to oust me. In this case the Government are aware that there was no such decree against me. It is the Government that rendered me helpless and deprived me of possession of the lands and as such my claim is only against the Government. In the circumstances I respectfully pray that the Government may be pleased to peruse the opinions of the learned Counsel.

I represent that an acre of Coffee land is expect to yield about 15 maunds and I shall be thankful if my crop is estimated at even 7 maunds. Calculating at this rate for ten years for 100 acres the total yield would be 7,000 maunds. The price per maund being fixed at an average of Rs.8/- the compensation due to me would amount to Rs.56,000/-. I am prepared to the Government deducting Rs.40,000/- for working expenses and pray that the actual loss of Rs.16,000/- may be made good.

I request the Government may be pleased to consider my representation and to pass favourable orders early to recoup the loss I am put to.

In conclusion I beg to represent that the lands which are restored to me now have been so neglected that I have to improve them at considerable expense and I have to bear it all myself for no fault of mine.

I beg to remain,

Sir,

Your most obedient servant,

Coffee planter

8th July 1919

L. A GOVINDARAGHAVA AIYAR,
HIGH COURT VAKIL,
LAW CHAMBERS.

"PALM GROVE," MYLAPORE.

Madras, S. [illegible] 191[illegible].

[illegible]

from the records you find and
that for the reason supplied
by these facts, we shall confirm
be prayed for, please to
grant you the Case, and also
prayed for in the petition of 22nd
Feb 1918.

I am sending you all the
papers in the Case. Hope that
you will succeed in your en
deavours.

I remain that this finds you
well,

Yours very truly

Solicitor for Plaintiff.

P.S. I am sending you also a Copy

O P I N I O N.

In 1866 the then Head of the Bisàgni Mutt mortgaged with possession for Rs.30,000/- to Veley Mallappa Chetty, certain properties claimed to belong to the Mutt. The properties were situated in Koragavi and Hogirahalli villages. The said mortgage and the rights thereon became transferred to the late Naranappa, Uncle of Mr.C.Srinivasa Rao in 1881, and Mr.C.Srinivasa Rao succeeded to the properties after the death of his Uncle.

Although in 1883 the claim of the said Bisagni Mutt to the said properties, was disallowed by the Inam Authorities on the ground that the said Mutt was not legally entitled to the said properties as inam, in 1884, the Government in consideration of the importance and ancient character of the Institution confirmed the said properties as Inam belonging to the said Institution, subject, however, to the rights of the inferior holders being safeguarded.

There were other lands also standing on the same footing as the said lands and Mr.Srinivasa Rao was ultimately the possessor of those too. In 1887 Mr.Srinivasa Rao agreed with Channaveerasamy, the then Head of the Mutt, to relinquish his claim to the mortgage amount and also on the properties in his possession in consideration of his being given the permanent lease of one hundred acres out of the lands in his possession and the Mutt settled the Government lease subject to the payment to the Government of the quit rent due thereon and to the annual payment of Rs.20/- to the Mutt as Pesare expenses. Mr. Srinivasa has also given up his right to the other lands then in his possession as part of the same arrangement. The tenure of this hundred acres came to be held thus became changed from that of the lands dates as far back as 1866.

The arrangement between Channaveerasawmy and Mr. Srinivasa Rao was made known to the Government during the Survey Settlement in 1887 as Mr. Srinivasa Rao represented the facts to the Settlement-Officer, who was also the Deputy Commissioner at the time, and the said Officer approved of the settlement between Chantaveerasawmy, the Head of the Bisagni Mutt, and Mr.Srinivasa Rao as above stated.

From 1887 onwards Mr. Srinivasa Rao was regularly paying the quit rent of Rs.37-8-0 direct to the Government and it was accepted by them.

Channaveerasawmy died in 1892 and a report was made to the Government by the then Amildar on the financial condition of the Mutt. In setting forth the income and the expenditure the Amildar included in the income of Rs.1205-4-3 the sum of Rs.150/- the assessment payable for the 100 acres in the possession of Mr. Srinivasa Rao and of Rs.35/- the amount payable by Mr. Srinivasa Rao to the Mutt for Dasara expenses. As against this,he set forth under the head of expenditure the sum of Rs.112-8-0 as payable to Mr.Srinivasa Rao being the difference between the assessment and the quit-rent of Rs.37-8-0 payable to the Government. The quit-rent of Rs.37-8-0 was included in the amount of Rs.302-6-6 the quit-rent payable by the Mutt to the Government. The net result of the presentation of the financial condition of the Mutt,so far as the lands in the possession of Mr. Srinivasa Rao were concerned, was, that he was recognised as the holder of the 100 acres in his possession, liable only to the payment yearly of the quit-rent of Rs.37-8-0 to the Government and of Rs.35/- to the Mutt. The Government in their order dated 30th April 1895 approved of the arrangement regarding the Mutt suggested by the Amildar and the Deputy Commissioner on the basis of the income and expenditure set forth as above stated in the Amildar's report.

The Government was managing the Estate of the Mutt even before Channaveerasawmy died, from the time of the Survey Settlement, and the management continued subsequent to his death.

Mr. Srinivasa Rao continued in possession of the said 100 acres of land as theretofore and was carrying on coffee cultivation on them and making the annual payments inclusive of the quit-rent as laid down in the deed in his favour. In 1901, however, one Puttuswamy who was formerly managing the Mutt affairs under the Government and who was also one of the attestors of the deed of 1887 in favour of Mr. Srinivasa Rao, brought to the notice of the Government that Mr. Srinivasa Rao was in possession of 100 acres of land in pursuance of an alienation by Channaveerasawmy in his favour, and connected with the purposes of the Mutt and therefore unauthorized. He did not set forth the full and accurate history of the lands in the possession of Mr. Srinivasa Rao. The Government by their Proceedings dated 10th May 1906 without considering all the real facts of the case, were of opinion that the alienation in question must be treated as under clause B Rule 2 of the Government Notification dated 17th November 1887 and directed that action should be taken in accordance with that view.

Clause B of the above Notification provides that the alienees should be given notice to restore the lands in their possession to the Institution to which they belong as inam, within six months from the date of the service of the notice and if the notice is not complied with, they should be summarily resumed and restored to the institution to which they are the inams. On the above Proceedings of the Government, Order No.3963 dated the 21st May 1906 was made by the Deputy Commissioner; the Amildar thereon made his Order No. 1579 dated the 9th June 1906, directing that Mr. Srinivasa Rao should immediately give up possession of the said lands. In the circumstances and in view of the peremptory orders of

the Government, Mr. Srinivasa Rao who had spent considerable sums of money in oringing the lands under coffee cultivation and improving them, had to give up possession and did so. As above stated the Government was then in management of the@ said Mutt properties and they continued to be so until 1910 when in pursuance of G.O.No.1545, Muzrai 127-10-2 dated the 7th February 1910, the possession and management of the lands belonging to the said Mutt were made over to its present Head. The lands which originally were in the possession of Mr. Srinivasa Rao and which he had to give up as above stated, were amongst the properties which were thus put into the possession of the present head of the said Mutt.

From 1906 onwards Mr Srinivasa Rao was not paying the quit-rent to the Government, as he was not in possession of the lands, nor was he making the annual payment of Rs.25/- provided in the deed of settlement. Neither the quit-rent nor the annual payment to the Mutt was demanded from him for the same reason. Although he gave up possession of the said lands, his rights to the lands were not of course given up and he prayed by petitions so early as the 20th June and the 6th August 1906, addressed to the Deputy Commissioner that the Government would revise their order dated 15th May 1906.

By Proceedings dated the 9th June 1916 the Government of His Highness graciously directed the cancellation and withdrawal of their Order dated the 15th May 1906, thus vindicating the justice of the claim of Mr. Srinivasa Rao to the said lands.

By petition dated 23rd February 1916, Mr. Srinivasa Rao prayed that a compensation of at least Rs.15,000/- was due to him as he did not and was unable to, enjoy the said lands for over ten years, in consequence of the Order of May 1906 which was not cancelled until June 1916. The Government by their Proceedings dated 26th February 1918 granted an enforcement to Mr. Srinivasa Rao on the above petition, to

the effect that unless evidence was produced of dispossession as due to any orders of Government, Government were unable to entertain any claim for damages and that if the Mutt servants acted in any manner prejudicial to the interests of the petitioner (Mr. Srinivasa Rao), redress was to be sought in the Civil Court.

On the above facts which are capable of easy verification, my opinion is required on the questions raised in the above endorsements given by the Government. It has also to be stated that Sundaraiyya, the son of the said Muttu Swami Ayya at whose instance the original Order of 1906 was passed by the Government, was managing the lands of the Mutt under the Government till the Government gave over the properties to the present Head of the Mutt; and he has stated to the Amildar of Chikmagalur on 1st 20th June 1918 admitting that he was managing the Mutt lands from 1907-1908 to 19th December 1918, and that the kattubadi payable by Mr. Srinivasa Rao for the Mutt lands was not received as the lands had passed from him to the possession of the Mutt in pursuance of the Orders of Government and that he did not ask Mr. Srinivasa Rao for the kattubadi.

The main question that arises in view of the said endorsement of the Government dated 26th February 1916 is a question of fact, i.e., whether Mr. Srinivasa Rao gave up possession of the said lands in pursuance of the said Order of the Amildar of Chikmagalur No.1579 dated 9th June 1906. The endorsement itself contemplates that Mr. Srinivasa Rao was dispossessed and under Order No. 1579 that Mr. Srinivasa Rao was not in possession of the said lands from June 1906 or thereabouts. An inspection of the locality would show that there could have been no acts of enjoyment of the said lands for a considerable time. There is no admitted fact that Mr. Srinivasa Rao was not making the usual payment to the Mutt nor has he paid the quitrent to the Government; and this fact cannot be explained except on the supposition

39

he was not in possession of the lands. It has to be also noted that no demand even was made on him for either the quit-rent or the annual payment. The question however remains whether he was dispossessed at the instance of Government. There is no denying the fact that prior to 1906 Mr. Srinivasa Rao was in possession and enjoyment of the said lands, having spent considerable sums of money thereon and except for some peremptory order which he could not disobey with impunity, he was not likely to have given up possession. The provisions of clause 3 (b) of the Notification dated 17th November 1877 make it clear that in cases where they are made to apply, it is competent for the Government Officers to take summary steps to have the lands concerned resumed and restored to the Institution to which they are considered to belong as inam. The said provisions contemplate a resumption and restoration of the inam to the Institution to which it originally belonged thus making it clear that the person wrongly in possession should be dispossessed. The order of the Amildar dated 5th June 1906 was explicit and peremptory as it directed the immediate delivery of the lands and that was to be expected of a gentleman in the position of Mr. Srinivasa Rao, a respectable and well-known Coffee Planter in the Baba Budan Range, was that rather than expose himself to the indignity of being turned by force out of the said lands by persons deputed by the Government authorities to dispossess him, as they could take action on the basis of the said order, he would himself give up possession, when he found that his dispossession was inevitable, thus rendering resort to extreme steps unnecessary; and that is exactly what happened. There appears to be no practice of any formal receipt being given by Officers of Government when they take possession of lands from private persons. Mr. Srinivasa Rao might have acted differently and refused to give up possession, if it was not the order of Government that he should give up the lands, as it would then have been competent for him either to go himself to the Civil Court for having his rights vindicated

or to drive the authorities of the Mutt to go to the Civil Court and establish their right to dispossess him. The only course that was open to Mr. Srinivasa Rao in the circumstances was what he adopted, Viz., to give up possession of the lands and to petition the Government to revise their original order of the 21st May 1906. Of course, when the persons who were managing the Mutt lands under the Government knew as they did, that there was the peremptory order of the Government that Mr. Srinivasa Rao should give up possession of the said lands, they were not likely to have allowed Mr. Srinivasa Rao to continue any longer in possession. The main point, that seems to admit of no doubt in the circumstances, is that the dispossession of Mr. Srinivasa Rao that there was, was due, to use the language of the said endorsement, to the orders of the Government. And the fact that though the Government was in possession of the Mutt properties for a considerable time after June 1906 they did not demand either the annual payment due to the Mutt or the quit-rent payable to themselves and even after they gave up the management of the properties in 1910 they never demanded of Mr. Srinivasa Rao the payment of the quit-rent, shows that they recognised not only that Mr. Srinivasa Rao was not in possession of the said lands, but his want of possession was due to their own orders.

Under the Law, Mr. Srinivasa Rao could not have sued the Government for the vindication of his rights, as the Order directing him to give up possession was an order directly of the Government and he could only have petitioned the Government as he has done for a reversal of the Order. He is of course not responsible for the delay that there has been in the disposal of the above petition and the unhappy consequences that attended the delay. He must have been emboldened by the belief that according to the usual and gracious practice of His Highness' Government, if once he satisfied them that any loss, he was put to was due to their orders, the necessary redress would be granted to him. He

The compensation prayed for by him appears to be modest in the circumstances of the case.

(Signed) L.A.Govinda Raghava Iyer
High Court Vakil.
Dated, 4th July 1919.

Palm Grove,
Mylapore.

~~4/7/19~~
4 July 19.

True Copy
C Srinivas Rao
Coffee planter

The facts so far as I am able to gather from the records placed before me, which consist mostly of orders of the Government, Memoranda from the Officers and petitions of Mr. Srinivasa Rao, are these:-

"The Nidagal Mutt was the owner of about 700 acres of Coffee Land of which it was in actual occupation of about 300 acres. Out of the rest of the land it was getting a share of the Coffee produced by the cultivators The Mutt in about the year 1866 mortgaged with possession the above 300 acres with other properties to secure a loan from the predecessor in title of Mr. Srinivasa Rao and the mortgagee was in possession. In the year 1884 the Government granted the lands as "Inam" on one-fourth the Survey Assessment, subject to the usual provision that the Inam will not be disturbed so long as the conditions of the grant are fulfilled. I have not a copy of the title deed issued to the Mutt but I presume that the grant was to ensure so long as the Mutt was efficiently kept up. Whether the Inam is liable to forfeiture by an alienation for the necessary purposes of the mutt so to keep the Mutt in an efficient condition would depend on the terms of the grant, but I am assuming it would for the purposes of this opinion. Mr. Srinivasa Rao who succeeded to the Mortgagee's right by devolution in the year 1897 converted his mortgage right in the whole of the mortgaged property into a permanent leasehold right on about 100 acres subject to the payment of a rent of Rs.25/- to the Mutt and the Jodi to the Government. Mr. Srinivasa Rao and his predecessors were in possession continuously from 1866 down to 1900 as between the Mutt and the Mortgagee, the Mortgagee's title was ~~forfeited~~ perfected in any event by adverse possession

as according to the recent decisions of the Privy Council, Mutt properties are Trust-properties. As between the Government and the Mortgagee or a lessee in possession, the position is this. When the Government granted the Inam in 1884 the Mutt's Mortgagee was in possession and the Government had no title to the land, but was only entitled to impose an assessment according to the Survey and Settlement in lieu of the previous Kolath or Duty which represented the Land - Revenue and the Inam which they granted was only of their right ~~to~~ a land revenue; though in revenue - parlance the Inam is said to be of land, which means the Government's interest in the land ~~as~~ the land - assessment or revnue. If the conditions of the grant are not fulfilled all that the Government can do is to resume the grant ~~as~~ the land revenue ~~as~~ they could be entitled to re-impose the full assessment. That, and that alone being their right ~~in~~ an application made ~~at~~ by the ~~agreement~~ agent of the Mutt and when the affairs of the Mutt were administered by the Government, the Government purported to treat the conversion of the mortgagee right of Mr. Srinivasa Rao into a perpetual lease-hold right as an unauthorised alienation within the meaning of Cl.2 of the Rules applicable to Devadeya Inams and - directed the Deputy Commissioner to take steps under D of Cl.2 which in terms appears to apply to cases where the inam is of land as contrasted with land revenue. This was in 1906. If the clause in question applied both to land and land revenue (as I said before land generally means land revenue when land is said to have been given as Inam by the State) the only power under the rules which the Government can have is to impose the full assessment on the 100 acres which would

be about Rs.150/- instead of allowing the lessee to pay the favourable jodi of Rs.37-8-0. But the Deputy Commissioner acting under the authority of the Government actually took possession or obtained possession of the lands (for Mr. Srinivasa Rao had no other go but to surrender the lands if he wanted to escape summary ejection) and presumably delivered them over to the Mutt. Mr. Srinivasa Rao at once pointed out that the lands in any event could not be taken away and appealed to the Government for the review of their orders and finally in 1916 the Government rescinded their former order and restored possession of the lands to Mr. Srinivasa Rao. Mr. Srinivasa Rao having surrendered possession in consequence of the compulsion of the Government Officers purporting to act under Cl.B, which in its terms gave them power to resume the lands and not merely to reimpose the full assessment which alone the Government if at all was entitled to do, he would have an action for recovery of the land and mesne profits from the Government if any action in a Court of Law was possible against the Government of His Highness The Maharaja. It has been ruled by the Chief Court that no such action lies Mr. Srinivasa Rao might possibly have sued the Mutt, if the Mutt obtained possession from the Government, but that doubtful remedy could in no way exonerate the Government if they were legally liable.

Camp, Bangalore.
8th July, 1919.

(Sd) K. Srinivasa Iyengar
High Court Vakil.

ADDRESS.

True Copy
(Signature)

To

K.S. Chandrasekhara Iyer, Esq., B.A., B.L.

First Member of Council

BANGALORE

Sir,

Aderving to Government Order No 2119/Muz.433-17-2 dated 26th February 1918, I respectfully beg to state, that I have consulted two Eminent Vakils of the Madras High Court, regarding my claim for compensation being paid by the Government for depriving me of the enjoyment of the lands leased to me permanently by the Bisagni Mutt. I have enclosed copies of their opinion for perusal by the Government.

I invite the attention of the Government to their Orders Nos 5327-8 dated 15th May 1906 and 2875/Muz.232-12-11 dated 9th June, 1916 regarding the history of my unfortunate case. On the receipt of the Government Order, communicated to me through the Amildar of Chikkamagalur Taluk with his No.1579 dated 9th June 1906, I, as one of the most loyal and law-abiding subjects of His Highness The Maharaja, implicitly obeyed that order by relinquishing the lands in respect of which the late Puttasami guardian of his minor son and the Swami of the Mutt had falsely and maliciously petitioned to the Government though he was aware that I was the permanent tenant of those lands by virtue of a grant by Chennavesradevaru for valuable consideration I am grateful to the Government for their final order withdrawing their previous order No.5327-8 dated 15th May 1906 by which I am now declared entitled to enjoy the lands as a permanent tenant of the Mutt as I used to do prior to 1906. The Mutt Authorities did not deprive me of the lands nor did they obtain possession from me in due course of law and I have no claim against them for any compensation as it was not due to their fault that I was deprived of the lands. The Government

passed orders on a mere malicious petition presented by Putta-Samy and I regret to represent that, that order was passed without a full consideration of the facts of the case then. But for the interference of the Government and their order in Kuzrai - Department, against which there is no appeal to any Court of Justice, I am sure, no one could have deprived me of possession unless they had a decree in their favour entitling to oust me. In this case, the Government are aware that there was no such decree against me. It is the Government that rendered me helpless and deprived me of the possession of the lands and as - such my claim is only against the Government. In the circumstances, I respectfully pray that the Government may be pleased to peruse the opinions of the learned Counsel.

I represent that an acre of Coffee Land is expected to yield about 12 Maunds and I shall be thankful if my crop is estimated at even 7 maunds. Calculating at this rate for 10 years for 100 acres the total yield would be 7,000 maunds. - The price per maund being fixed at an average of Rs.8/- the compensation due to me would amount to Rs.56,000/-. I am prepared to the Government deducting Rs.40,000/- for working expenses and pray that the actual loss of Rs.16,000/- may be - made good.

I request the Government may be pleased to consider my representation and to pass favourable orders early to recoup the loss I am put to.

In conclusion I beg to represent that the lands which are now restored to me have been so neglected that I have to improve them at considerable expense and I have to bear it all myself for no fault of mine.

I beg to remain,
Sir,
Your most obedient servant,

8th July, 1919.

Srinivasa
Coffee Planter

In 1836 the Then Head of The Bisegni Mutt mortgaged with possession for Rs.30,000/- to Yoley Mallappa Chetty, certain properties claimed to belong to the Mutt. The properties were situated in Kolagavi and Kogilchalli Villages. The said mortgage and the rights thereon became transferred to the Late Narenappa, uncle of Mr. C. Srinivasa Rao in 1881 and Mr. C. Srinivasa Rao succeeded to the properties after the death of his uncle.

Although in 1880 the claim of the said Bisegni Mutt to the said properties was disallowed by the Inam Authorities on the ground that the said Mutt was not legally entitled to the said properties as Inam, in 1884, the Government in consideration of the importance and ancient character of the Institution, confirmed the said properties as Inam belonging to the said Institution, subject, however, to the rights of the inferior holders being safe guarded.

There were other lands also standing on the same footing as the said lands and Mr. Srinivasa Rao became ultimately the possessor of these too. In 1887 Mr. Srinivasa Rao agreed with Thennaveeraswamy, the then Head of the Mutt, to relinquish his claim to the mortgage amount secured on the properties in his possession in consideration of his being made the permanent lessee of 100 acres out of the lands in his possession and they were settled on him as a permanent lessee, subject to the payment to the Government of the quit rent due therein and to the annual payment of Rs.25/- to the Mutt as Dasara Expenses. Mr. Srinivasa Rao also gave up his right to the other lands then in his possession

as part of the same arrangement. The tenure on which these 100 acres came to be held thus became changed though the right of the lands dates as far back as 1866.

The arrangement between Chennaveeraswamy and M. Srinivasa Rao was made known to the Government during the Survey Settlement in 1887 as Mr. Srinivasa Rao represented the facts to the Survey Settlement Officer who was also the Deputy Commissioner at that time andthe said Officer approved of the settlement between Chennaveeraswamy, the Head of the Bisagni Mutt, and Mr. Srinivasa Rao as above stated.

From 1887 onwards Mr. Srinivasa Rao was regularly paying the quit rent of Rs. 37-8-0 direct to the Government and it was accepted by them.

Chennaveeraswamy died in 1892 and a report was made to the Government by the then Amildar on the Financial condition of the Mutt. In setting forth the income and expenditure, the Amildar included in the income of Rs. 1205-4-3, the sum of Rs.150/- the assessment payable for 100 acres in the possession of Mr. Srinivasa Rao and of Rs.25/- the amount payable by Mr. Srinivasa Rao to the Mutt for the Dasara Expenses. As against this, he set forth under the head of expenditure the sum of Rs.112-8-0 as payable to Mr. Srinivasa Rao being the difference between the assessment and the quit rent of Rs.37-8-0 payable to the Government. The quit rent of Rs. 37-8-0 was included in the amount of Rs. 302-6-8, the quit rent payable by the Mutt to the Government. The net result

of the presentation of the Financial condition of the Mutt so far as the lands in the possession of Mr. Srinivasa Rao was concerned, was, that he was recognised as the Holder of the 100 acres in his possession liable only to the payment yearly of the quit rent of Rs. 37-8-0 to the Government and of Rs.25/- to the Mutt. The Government in their Order dated 30th April 1893 approved of the arrangement regarding the Mutt suggested by the Amildar and the Deputy Commissioner on the basis of the income and expenditure set forth as above stated in the Amildar's Report.

The Government was managing the Estates of the Mutt even before Chennaveeraswamy died from the time of the Survey Settlement and the management continued subsequent to his death.

Mr. Srinivasa Rao continued in possession of the said 100 acres of land as there to fore and was carrying on Coffee Cultivation on them and making the annual payments inclusive of the quit rent as laid down in the deed in his favour. In 1901, however, one Puttuswamy who was then managing the Mutt affairs under the Government and who was also one of the attestors of the deed of 1887 in favour of Mr. Srinivasa Rao brought to the notice of the Government that Mr. Srinivasa Rao was in possession of 100 acres of land in pursuance of an alienation by Chennaveeraswamy in his favour, unconnected with the purposes of the Mutt and therefore unauthorised. He did not set forth the full and accurate history of the lands in the possession of Mr. Srinivasa Rao. The Government by their proceedings dated 15th May 1906 without considering all the facts of the case were of opinion

that the alienation in question must be treated as under clause B Rule 2 of the Government Notification dated 17th November 1877 and directed that action should be taken in accordance with that view.

Clause B of the above notification provides that the aliences should be given notice to restore the lands in their possession of the Institution to which they belong as Inam, within 6 months from the date of service of the notice and if the notice be not complied with, they should summorily resumed and restored to the Institution of which they are the Inams. On the above proceddings of the Government, under No. 2962 dated the 31st May 1906, was made by the Deputy Commissioner and the Amildar thereon made his order No. 1579 dated the 9th June 1906, directing that Mr. Srinivasa Rao should immediately give up possession of the said lands. In the circumstances and in view of the peramptory orders of the Government Mr. Srinivasa Rao who had spent considerable sums of money in bringing the land under Coffee Cultivation and improving them, had to give up possession and did so. As above stated the Government was then in management of the said Mutt properties and they continued to be so until 1910 in pursuance of G.O.No. 1545 . Muz. 127-10-2 dated the 7th February 1910 the possession and the management of the lands belonging to the said Mutt were made over to its present head. The lands which originally were in the possession of Mr. Srinivasa Rao and which he had to give up as above stated were amongst the properties which were thus put into the possession of the present head of the said Mutt.

From 1906 onwards Mr. Srinivasa Rao was not paying the quit rent to the Government as he was not in possession of the lands, nor was he making the annual payment of Rs.25/- provided in the deed of settlement. Neither the quit rent nor the annual payment of the Mutt was demanded from him for the same reason.

Although he gave up possession of the said lands his rights to the lands were not, of course, given up, and he prayed by petition as early as the 20th June and the 6th August 1906 addressed to the Deputy Commissioner that the Government would revise their order dated 15th May 1906.

By proceedings dated 9th June 1916 the Government of His Highness graciously directed the cancellation and withdrawl dated the 15th May 1906 thus vindicating the justice of the claim of Mr. Srinivasa Rao to the said lands.

By petition dated 22nd February 1918 Mr. Srinivasa Rao prayed that a compensation of at least Rs. 15,000/- was due to him as he did not and was unable to enjoy the said lands for over 10 years in consequence of the order of May 1906 which was not cancelled until June 1916. Government by their proceedings dated 26th February 1918 granted an endorsement to Mr. Srinivasa Rao on the above petition to the effect that unless evidence was produced of dispossession as due to any order of Government, Government were unable to entertain any claim for damages and that if the Mutt servants acted in any

manner prejudicial to the interests of the petitioner (Mr. Srinivasa Rao) redress to be sought in the Civil Court.

On the above facts which are capable of easy verification my opinion is required on the questions raised in the above endorsement given by the Government, It was also to be stated that Siddaveerish, the son of the said Puttuswamy Ayya at whose instance the Original Order of 1906 was passed by the Government was managing the lands of the Mutt under the Government till the Government made over the properties to the present head of the Mutt; and he made a statement to the Amildar of Chikmagalur on the 25th June 1919 admitting that he was managing the Mutt lands from 1907-1908 to 19th December 1918 and that the Kandayam payable by Mr. Srinivasa Rao for the Mutt lands was not received as the lands had passed from him to the possession of the Mutt in pursuance of the order of Government and that he did not ask Mr. Srinivasa Rao for the kandayam.

The main question that arises in view of the said endorsement of the Government dated 26th February 1918 is a question of fact whether Mr. Srinivasa Rao gave up possession of the said lands in pursuance of the said Order of the Amildar of Chikmagalur No. 1579 dated 9th June 1906. The endorsement itself contemplates that Srinivasa Rao was dispossessed and there could be no doubt that Mr. Srinivasa Rao was not in possession of the said lands from June 1906 or thereabouts. An inspection of the locality would show that there could have been acts of enjoyment of the said lands for a considerably

time. There is the added fact that Mr. Srinivasa Rao was not making the usual payment of the Kutt nor has he paid the quit rent to the Government; and this fact cannot be explained except on the hypothesis that he was not in possession of the lands. It has to be also noted that no demand even was made on him for either the quit rent or the annual payment. The question however remains whether he was dispossessed at the instance of Government. There is no denying of the fact that prior to 1906 Mr. Srinivasa Rao was in possession and enjoyment of the said lands having spent considerable sums of money thereon and except for some peremptory order which he could not disobey with impunity, he was not likely to have given up possession. The provisions of Clause 2 (B) of the Notification dated 17th November 1877 make it clear that in cases where they are made to apply it is competent to the Government Officer to take summary steps to have the lands/re sumed and restored to the concerned Institution to which they are considered to belong as Inam. The said provisions contemplate a resumption and restoration of the Inam to the Insitution to which it originally belong, thus making it clear that the person wrongly in possession should be dispossessed. The order of the Amildar dated 9th June 1906 was explicit and perempitory as it directed the immediate delivery of the lands and what was to be expected of a gentlemens in the possession of Mr. Srinivasa Rao, a respectable and a well known Coffee planter in the Baba Budan Hango, was that rather than expose himself to the indignity of being turned by force out of the said lands by persons deputed by Government Authorities to dispossess him, as they could have done on the basis of the said order he

would himself give up possession, when he found that his dispossession was inevitable; thus rendering resort to extreme steps unnecessary; and that is exactly what happened. There appears to be no practice of any formal receipt being given by Officers of Government when they take possession of lands from private persons. Mr. Srinivasa Rao might have acted differently and refused to give possession if it was not the order of the Government that he should give up the lands as it would then have been competent for him either to go himself to the Civil Court for having his right vindicated or to drive the authorities of the Mutt to go to the Civil Court and establish their rights to dispossess him. The only course that was opened to M. Srinivasa Rao in the circumstances was what he adopted, viz, to give up possession of the lands and to petition the Government to revise their Original Order of the 31st May 1906. Of Course, when the persons managing the Mutt lands under The Government knows as they did that there was the peremptory order of the Government that Mr. Srinivasa Rao should give up possession of the said lands, they were not likely o have allowed M. Srinivasa Rao to continue any longer in possession. The main point and that seems to admit of no doubt in the circumstances, is that the dispossession of Mr. Srinivasa Rao that there was, was due to use the language of the said endorsement to the orders of the Government. And the fact that though the Government was in possession of the Mutt properties for a considerable time after June 1906 they did not demand either the annual payment due to the Mutt or the quit

rent payable to themselves and even after they gave up the management of the properties in 1910 they never demanded of Mr. Srinivasa Rao the payment of the Quit rent shows that they recognised not only that Mr. Srinivasa Rao was not in possession of the said lands but his want of possession was due to their own orders.

Under the Law Mr. Srinivasa Rao could have sued the Government for the vindication of his rights as the order directing him to give up possession was an order directly of the Government and he could have only petitioned the Government as he has done for a reversal of the order. He is of course not responsible for the delay that there has been in the disposal of the above petition and the unhappy consequences that attended the delay. He must have been emboldened by the belief that according to the usual and gracious practice of His Highness' Government if once he satisfied them that any loss he was put to was due to their orders the necessary redress would be granted to him. The compensation prayed for by him appears to be modest in the circumstances of the case.

Yr. T.A. Govinda Raghava Iyer.
High Court Vakil.
M A D R A S.

Palm Grove.
Mylapore.
4-7-19.

True Copy
Srinivasa Rao
Coffee planter

The facts so far as I am able to gather from the records placed before me, which consist mostly of orders of the Government, Memoranda from the Officers and petitions of Mr. Srinivasa Rao, are these:-

"The Nidagni Mutt was the owner of about 700 acres of Coffee Land of which it was in actual occupation of about 300 acres. Out of the rest of the Land it was getting a share of the Coffee produced by the cultivators. The Mutt in about the year 1866 mortgaged with possession the above 300 acres with other properties to secure a - loan from the predecessor in title of Mr. Srinivasa Rao and the mortgagee was in possession. In the year 1884 the Government granted the lands as "Inam" on one-fourth the Survey Assessment, subject to the usual provision that the Inam will not be disturbed so long as the conditions of the grant are fulfilled. I have not a copy of the title deed issued to the Mutt but I presume that the grant was to enure so long as the Mutt was efficiently kept up. Whether the Inam is liable to forfeiture by an alienation for the necessary purposes of the mutt as to keep the Mutt in an efficient condition would depend on the terms of the grant, but I am assuming it would for the purposes of this opinion. Mr. Srinivasa Rao who succeeded to the Mortgagee's right by devolution in the year 1887 converted his mortgage right in the whole of the mortgaged property into a permanent leasehold right on about 100 acres subject to the payment of a rent of Rs.25/- to the Mutt and the cess to the Government. Mr. Srinivasa Rao and his predecessors were in possession continuously from 1866 down to 1906 and as between the Mutt and the Mortgagee, the mortgagee's title was forfeited in any event by adverse possession

as according to the recent decisions of the Privy Council, Mutt properties are Trust-properties. As between the Government and the Mortgagee or a lessee in possession, the position is this. When the Government granted the Inam in 1884 the Mutt's Mortgagee was in possession and the Government had no title to the land, but was only entitled to impose an assessment according to the Survey and Settlement in lieu of the previous Halath or Duty which represented the Land - Revenue and the Inam which they granted was only of their right as a land revenue; though in revenue - parlance the Inam is said to be of land, which means the Government's interests in the land as the land - assessment or revnue. If the conditions of the grant are not fulfilled all that the Government can do is to resume the grant - the land revenue as they could be entitled to re-impose the full assessment. That, and that alone being their right on an application made of the agreement of the Mutt and when the affairs of the Mutt were administered by the Government, the Government purported to treat the conversion of the mortgagee right of Mr. Srinivasa Rao into a perpetual lease-hold right as an unauthorised alienation within the meaning of Cl.2 of the Rules applicable to Devadaya Inams and - directed the Deputy Commissioner to take steps under B of Cl.2 which in terms appears to apply to cases where the inam is of land as contrasted with land revenue. This was in 1906. If the clause in question applied both to land and land revenue (as I said before land generally means land revenue when land is said to have been given as Inam by the State) the only power under the rules which the Government can have is to impose the full assessment on the 100 acres which would

be about Rs.150/- instead of allowing the lessee to pay the favourable jodi of Rs.37-8-0. But the Deputy Commissioner acting under the authority of the Government actually took possession or obtained possession of the lands (for Mr. Srinivasa Rao had no other go but to surrender the lands if he wanted to escape summary ejection) and presumably delivered them over to the Mutt. Mr. Srinivasa Rao at once pointed out that the lands in any event could not be taken away and appealed to the Government for the review of their orders and finally in 1916 the Government rescinded their former order and restored possession of the lands to Mr. Srinivasa Rao. Mr. Srinivasa Rao having surrendered possession in consequence of the compulsion of the Government Officers purporting to act under Cl.B, which in its terms gave them power to resume the lands and not merely to re-impose the full assessment (which alone the Government if at all was entitled to do) he would have an action for recovery of the land and mesne profits from the Government if any action in a Court of Law was possible against the Government of His Highness The Maharaja. It has been ruled by the Chief Court that no such action lies. Mr. Srinivasa Rao might possibly have sued the Mutt, if the Mutt obtained possession from the Government, but that doubtful remedy could in no way exonerate the Government if they were legally liable.

Camp, Bangalore.

8th July, 1919.

(Sd) K. Srinivasa Iyengar,
High Court Vakil,
MADRAS.

True Copy
Srinivasa Iyengar

Proceedings of the Government of H. H. the Maharaja of Mysore.

R e a d:--

Government Order No.5327-8 dated 17th May 1906, observing that the transactions by which certain lands of Bisagni -- Matt, Chickmagalur Taluk, which had passed into the hands of Mr.C.Srinivasa Row of -- Chickmagalur, should be regarded as unauthorized alienation and directing the -- Deputy Commissioner to take action under Rule II of the Government Notification No. 266 dated 17th November 1877.

(2) Government Proceedings No.2825/ Muz.282-12-11 dated 9th June 1916, cancelling on reconsideration, the ---- above order of 17th May 1906.

(3) Endorsement No.2119/Muz.433-17-2 dated 26th February 1918, granted to Srinivasa Row informing him that the Government are unable to entertain any claim for compensation for alleged deterioration of the lands during the period of 10 years between the original -- order of 1906, and the subsequent order of 1916, cited above, without satisfactory proof that he was dispossessed of the --- lands by the Government.

(4) Petition No.14 dated 8th July 1919, from Mr.C.Srinivasa Row, submitting a further representation of his claim.

*** *** ***

Order No. 2-2-67

Dated Bangalore, 7th January 1920.

These papers relate to the claim put forward by Mr.C.Srinivasa Rao, Coffee Planter, Chickmagalur, for compensation on account of the alleged dispossession by Government of certain lands leased to him by the Bisagni Mutt.

2. The facts of the case are as follows:--

On the 6th December 1887, Chennaveeraswami, the priest of the Bisagni --- Mutt, executed a registered document in favour of Mr.C.Srinivasa Rao, permanently leasing out to him about 100 acres of the Mutt's Coffee lands (which formed part of the lands granted as Inam to the Mutt) on the condition that the Lessee should pay annually to Government ¼ of the survey assessment thereon, as also a sum of --- Rs.25/- to the Mutt for Deeparadhane and other services, the Swami waiving the -- Mutt's claim to the balance of the assessment in consideration of the lessee - - - having relinquished his claim to a debt of about Rs.30,000/- due to him by the -- Mutt. The transaction having come to the notice of the Government they held that it amounted to an alienation of the Inam, within the meaning of the terms of the Government Notification No.266 dated the 17th November 1877, and accordingly directed in their Order dated 17th May 1906, that the said alienation should be dealt with under Clause "B", Rule II, of the said Notification. On the receipt of this Order, the Local Officers issued

a notice to Mr.C.Srinivasa Row, calling on him to relinquish the lands and he presented an application to the Deputy Commissioner, praying for a reconsideration of the Government Order. The - - - Deputy Commissioner (Mr.Chengiah Chetty) submitted his petition to Government with his letter dated the 17th September 1906, recommending a reconsideration of the -- case. The Government called for some further particulars and after an interval of about 10 years, due chiefly to the -- delay in the receipt of the information called for from the District, they passed orders on the 9th June 1916, cancelling their previous Order of 17th May 1906.

4. More than 1½ years after the issue of this Order, Mr.Srinivasa Row presented a petition to Government in February 1918, stating that during the interval of 10 years between the original Government Order of 1906, which was adverse to him, and the subsequent order of 1916, in his favour, he could not --- raise loans for the up-keep and improvement of the estate, that during this period the Mutt Agent gave him a good -- deal of annoyance in regard to his enjoyment of the lands, that in consequence, the estate had deteriorated and required about Rs.6,000/- to be restored to its original condition and praying that, in the circumstances, the Government might be pleased to compensate him suitably for his loss. In reply to this petition,

Mr.Srinivasa Row was informed that unless he produced evidence to prove that he was actually dispossessed of the land as the result of any order of Government, his -- claim for compensation could not be entertained by Government. He thereupon presented another petition on the 8th --- July last, in which he asked for a compensation of Rs.16,000/- on the ground of having been dispossessed of the estate -- under the Government Order of 1906, and thereby put to loss to the above extent; and in support of his claim he produced, the opinions of Messrs. K.Srinivasa Iyengar and L.Govindaraghava Iyer, High Court Vakils, Madras.

2. Mr. Srinivasa Row has, as observed as above, based his present ---- claim for compensation on the ground of his having been ejected from the estate according to the Government Order of 1906 and kept out of possession of it until the Order was revised by Government in 1916. But his allegation in this respect is not borne out by the record and is evidently not true. It was not put forth in the petition presented by him in February 1918 and is inconsistent with the allegations made/* The real fact --- seems to be that Mr.Srinivasa Rao whose title to the land was rendered insecure by the Government Order of 17th May 1906, was uncertain as to the result of his application to Government for a reconsideration of that Order and did not

in it that the Agent of the Basagni Mutt gave him annoyance in regard to the enjoyment thereof.

In the circumstances, Government care to take the risk of spending any money on the working and improvement of the estate till that Order was revised in 1916; and this cannot give him a valid claim for compensation against Government. After careful consideration of the matter, Government have come to the conclusion that the claim of Mr. Srinivasa Row for compensation is untenable but in view of the long delay of 10 years in the disposal of his application for a re-consideration of the Order of 1906, they are pleased to direct that the demand for the Land Revenue, if any, payable to Government on account of the lands in question for the period from 1906 to 1916, both years inclusive be waived as an act of grace.

5. The petition of Mr. Srinivasa Row is therefore rejected.

Secretary to Government,
Muzrai Department.

To

The Deputy Commissioner, Kadur District.

Endorsement to Mr. Srinivasa Row.

HRR.

G. R. S. Vl—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to .. ..

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Section Kings

File No. 25-15

Serial No. 3

No. 2528

Date of issue 24.2.20

Signed by Mr. A. Muttucumaraya Esqr

To

Endorsement granted to Mr C Srinivasa Rao, Coffee-planter, Chickmagalur, with ref. to his revision petn. regd. nos. 64 and 68 of 8-7-19 praying for the award of a compensation of Rs 16000/- to make up for the loss caused to him by a delay of 10 years in the disposal of his case relating to the Niam land attached to

over.

Bisagnia matt in the Chickmagalur
Taluka.

In reply Mr C. Srinivasa Rao
is informed that after a
careful consideration of the
circs of the case, the Govt
have come to the conclusion
that his claim for Compensation
is untenable, and cannot be
accepted. The petition in this
respect, is accordingly rejected.

In view, however, of the
long delay of 10 years in
the disposal of his application
for a re-consideration of the G.O.
of 1906 directing the resumption List of enclosures.
of these lands, Govt are
pleased to direct that the demand for
the land revenue, if any, payable
to Govt on account of the
lands in question for the period from
1906 to 1916, both years inclusive Copied by
be waived as an act Examined by

W D86—GPB- 60,000—15 11 16

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Of grace.

By order

Re-Dft.

Asst Secretary

Insp-Dept.

13/2/20

17.2.20